



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/10/01

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Determination that the Proposed Power Plant (Russell City Energy Center) at 3636 Enterprise Avenue is consistent with the General Plan and the Industrial Zoning District Designation

RECOMMENDATION:

The Planning Commission (6:0) and staff recommend that the City Council find that the proposed Russell City Energy Center power plant use is consistent with the provisions of the General Plan and the Industrial District Designation.

DISCUSSION:

The authority to license power plants rests with the California Energy Commission. Local government, however, plays a significant role in providing input on local concerns and issues to the process. Consequently, the City has the opportunity to make some determinations as to its conformity with City regulations, which will be forwarded to the California Energy Commission. This public hearing affords this opportunity to the City Council.

The issue that requires a formal determination relative to conformity is whether the proposed Russell City Energy Center (RCEC) is consistent with the General Plan and the uses allowed in the Zoning Ordinance. The RCEC is proposed for a site on Enterprise Avenue, across the street from the City's Wastewater Treatment Plant. This area is classified as "Industrial Corridor" in the General Plan and the site is zoned Industrial. Recognizing the nature of the operation involving the manufacture of power, staff believes that the project is in conformity with the General Plan "Industrial Corridor" designation. As detailed plans for the facility are not available, the City cannot at this time evaluate the proposal in terms of meeting the City's "*Minimum Design and Performance Standards*," particularly as they relate to the "Architectural Design Principles" and landscaping. The RCEC will be an entry statement to those entering Hayward from the Hayward-San Mateo Bridge, will be visible from those visiting the shoreline area, and will be extremely close to a major industrial arterial once Whitesell Street is widened and extended to State Route 92. It will be essential that serious consideration be given during the review process to the visual impacts of the RCEC and that those impacts be as minimal as possible. This approval is therefore a preliminary approval regarding land use approvals related to consistency with the General Plan and zoning designation.

Conformity of Use

With regard to conformity with the Zoning Ordinance, in staff's opinion and with the concurrence of the Planning Commission, the RCEC fits under the primary use classification in the Industrial District zone of "Manufacturing" in that the conversion of natural gas by mechanical equipment into electric power constitutes a form of manufacturing. The RCEC will be a 600-megawatt, natural gas-fired combined-cycle electrical generating facility, with a 230-kilovolt switchyard. A new 230 kV double-circuit transmission line will exit the RCEC switchyard eastward toward PG&E's existing transmission corridor, and then follow the existing transmission corridor. The City will supply water to the RCEC site for domestic use and for fire fighting. Storm water collected on the RCEC site will be discharged into the Alameda County Flood Control District's drainage canal less than 100 feet south of the proposed site. Storm water collected on the new wastewater treatment plan will be discharged to the storm water system of the City water pollution control facility. Although a power plant is not specifically listed as a permitted use in the Industrial District, staff believes and the Planning Commission concurs that it is similar to other permitted manufacturing uses and consistent with the intent and purpose of the district.

At this point in the review process, the City is being asked to review and discuss whether the RCEC power plant use is consistent with the Industrial District of the Zoning Ordinance and the General Plan. This report is not meant to review the merits of the project, nor any of its potential environmental impacts. There is a separate, distinct, and elaborate review process, with ample opportunity for public input under the auspices of the California Energy Commission.

According to the State Law, power plant projects are not subject to the California Environmental Quality Act. Instead, they are subject to a similar process performed by the California Energy Commission (CEC). The CEC reviews every aspect of the project, conducts numerous hearings, and determines what the various potential impacts of the project may be. The review areas include, but are not limited to: Environmental Information, Air Quality, Water Supply, Gas Supply, Biological Resources, Cultural Resources, Geological Hazards and Resources, Hazardous Materials Handling, Land Use, Noise, Paleontological Resources, Public Health, Socio-economics, Soils and Agriculture, Traffic and Transportation, Visual resources, Waste Management, Water Resources, Engineering, Projects Alternatives, and Workers Health and Safety. As part of the review process, there will be public hearings and community meetings to receive public input.


Calpine/Bechtel Joint Enterprises has submitted an application to the California Energy Commission, and the California Energy Commission is in the process of reviewing it to make a finding on data adequacy.

During the Planning Commission hearing on the matter, individuals expressed concerns about the potential environmental impacts associated with the power plant, which are issues that will be addressed by the California Energy Commission. Representatives of the Hayward Chamber of Commerce, the Trades Council, the Electricians' Union appeared in support of the project.


Prepared by:


Dyana Anderly, AICP
Planning Manager

Recommended by:


Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments:

Draft Resolution(s)

7/10/01

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING THE RUSSELL CITY ENERGY
CENTER POWER PLANT USE IS CONSISTENT WITH THE
GENERAL PLAN AND ZONING ORDINANCE**

WHEREAS, Calpine/Bechtel has made a request that the City of Hayward make a determination that a power plant (Russell City Energy Center) use at 366 Enterprise Avenue is consistent with the General Plan and is a use similar to a primary use permitted in the Industrial District; and

WHEREAS, the Russell City Energy Center (RCEC) is proposed for an area on Enterprise Avenue classified as "Industrial Corridor" in the General Plan and is zoned Industrial. Staff believes that the project is in conformity with the General Plan "Industrial Corridor" designation; and

WHEREAS, City Council finds that the RCEC fits under the primary use classification in the Industrial District zone of "Manufacturing", is consistent with the intent and purpose of the district, and conforms with the Zoning Ordinance.

WHEREAS, the power plant use is similar to other existing uses in the Industrial District, such as the production of chemicals at the Rohm & Haas, Inc., plant.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines that the Russell City Energy Center power plant use is consistent with the provisions of the General Plan and the use is similar to the primary use of Manufacturing in the Industrial District required by the Zoning Ordinance.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward